

PRISONS & CORRECTIONS SECTION
Respectfully submits the following position on:

*

HB 5931

*

The Prisons & Corrections Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Prisons & Corrections Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Prisons & Corrections Section is 189.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 11. The number who voted opposed to this position was 0. The number who abstained from voting was 1.



Report on Public Policy Position

Name of Section:

Prisons & Corrections Section

Contact person:

Jessica Zimbelman

E-Mail:

jzimbelman@sado.org

Bill Number:

HB 5931 (Haveman) Corrections; parole; criteria for placement on parole; modify. Amends secs. 11a, 20g, 33, 33e, 35, 39a & 40a of 1953 PA 232 (MCL 791.211a et seq.).

Date position was adopted:

December 6, 2014

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

1 Abstained from vote

3 Did not vote (absent)

Position:

Oppose and Amend

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2014-HB-5931>

Explanation of the position, including any recommended amendments:

See attached letter.

PRISONS AND CORRECTIONS SECTION

OFFICERS

CHAIR

Jessica L. Zimbelman
State Appellate Defender Office
101 N Washington Sq Fl 14
Lansing, MI 48933-1678

SECRETARY

Sandra L. Bailiff Girard
Lansing

TREASURER

Daniel E. Manville
East Lansing

COUNCIL

Ronald W. Emery
Lansing

Sandra L. Bailiff Girard
Lansing

Gary M. Kasenow
Northville

Avar Patrice Laws-Wright
Lansing

Barbara R. Levine
Lansing

Daniel E. Manville
East Lansing

Jacqueline Çolette Ouvry
Detroit

Paul D. Reingold
Ann Arbor

Hon. Douglas B. Shapiro
Lansing

John A. Shea
Ann Arbor

Richard B. Stapleton
Grand Ledge

Jessica L. Zimbelman
Lansing

ASSOCIATE MEMBERS

Nicole T. George
Detroit

Monica Jahner
Lansing

Peter J. Martel
Ann Arbor

COMMISSIONER LIAISON

Timothy J. Burns
Troy

EX OFFICIO

John A. Shea
Ann Arbor

December 8, 2014

Members of the Senate:

The Prisons and Corrections Section of the State Bar writes in strong opposition to House Bill 5931, as passed by the House of Representatives on December 4, 2014.

As passed by the House, HB 5931 provides that if a prisoner scores a high probability of parole, as determined by the Parole Guidelines – an assessment used by the Michigan Department of Corrections – or scores a medium probability of parole and is serving for a controlled substance offense or a nonassaultive offense, the prisoner shall be released upon serving the minimum sentence imposed by the trial court.

The Section supports efforts to reform Michigan's parole process to ensure prisoners are released upon serving their minimum sentence, while ensuring continued public safety. However, the Section opposes HB 5931 for several reasons, most notably:

- There are several exceptions for which a prisoner can be denied parole at his/her minimum sentence. See Section (7) (A) – (E).
- HB 5931 is not retroactive. See Section (11).
- HB 5931 specifically excludes a long list of offenses to which the bill does not apply. See Section (11).
- There is no enforcement mechanism to ensure the Parole Board applies the legislation fairly and accurately, whether through prisoner appeals of parole denials or oversight by any future Criminal Justice Policy Commission.

The practical effect of these provisions would likely make parole at the minimum sentence more difficult for prisoners to attain. It would not implement objective, evidence-based parole decision-making. There would be no oversight of the Parole Board, which already retains virtually unchecked discretion. Given the exceptions in Section 11 and the lack of retroactivity, there would likely be no savings to taxpayers.

The Section supports reforms that more closely resemble the recommendations of the Council of State Governments, and the months of work done by stakeholders. Such reform should include a presumption of parole for all prisoners who score a high probability of parole, limited exceptions to the presumption that are only supported by objective evidence not already accounted for in the Parole Guidelines, and a method of oversight to ensure Parole Board accountability.

Please feel free to contact me if you have questions or concerns.

Thank you for your consideration,



Jessica L. Zimbelman
Chair, Prisons and Corrections Section, State Bar of Michigan
jzimbelman@sado.org
(989) 506-0904

